

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

UNITED STATES OF AMERICA

Plaintiff,

vs.

GREGORY ALAN SMITH (01)
KIRBYJON H. CALDWELL (02)
Defendants.

CASE NO. 5:18-CR-00084

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JUDGE HICKS
MAGISTRATE JUDGE HORNSBY

DEFENDANT KIRBYJON CALDWELL'S LIST OF FORESEEABLE ISSUES

Pursuant to the Scheduling Order [Dkt. 75], Defendant Kirbyjon Caldwell respectfully provides this list of foreseeable issues:

1. Length of the anticipated trial.

2. **Voir dire.** Mr. Caldwell requests voir dire by counsel after the Court has completed its voir dire. Additionally, because Mr. Caldwell is a well-known pastor of one of the largest Protestant churches in the country, counsel requests permission to submit some voir dire questions on a short written questionnaire aimed at uncovering any prejudicial bias against Mr. Caldwell due to his position as a pastor that a potential juror may be reluctant to disclose publicly.

3. Length of opening statements.

4. **Admissibility of opinions offered by the government's expert.** The government has produced the 47-page expert report of John M. Griffin. Mr. Griffin's lengthy report contains several improper opinions that he intends to offer at trial. Mr. Caldwell intends to move to exclude some of the opinions offered by Mr. Griffin in his report pursuant to Federal Rules of Evidence 702–04, and 403.

5. Production of Jencks material.

6. **Jury instruction issues.** At trial, Mr. Caldwell intends to assert a good-faith defense and an advice-of-counsel defense. Accordingly, Mr. Caldwell has requested jury instructions on these two defenses.

7. **Deadlines.** The parties should discuss deadlines for filing any motions in limine or other pre-trial motions.

Mr. Caldwell respectfully submits this list of foreseeable issues for the Court's consideration.

Respectfully submitted,

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**ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

I hereby certify that on February 27, 2020, I electronically filed the foregoing pleading with the Clerk of Court by using the CM/ECF system which will send notice of electronic filing to all counsel of record.

/s/ Karima G. Maloney

Karima G. Maloney